

AGENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599

OCT 15 2002

1041
PATENT APPLICATION

ATTORNEY DOCKET NO. 10010381-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Steven M. Lefkowitz et al.

Serial No.: 09/944,083

Examiner: My Chau T. Tran

Filing Date: 08/31/2001

Group Art Unit: 1641

Title: METHODS FOR GENERATING LIGAND ARRAYS VIA DEPOSITION OF LIGANDS ONTO
OLEFIN DISPLAYING SUBSTRATES, AND ARRAYS PRODUCED THEREBY

RECEIVED

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

OCT 18 2002

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

TECH CENTER 1600/2900

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X) Response/Amendment Petition to extend time to respond
() New fee as calculated below Supplemental Declaration
() No additional fee (Address envelope to "Box Non-Fee Amendments")
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$84	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$400.00	3RD MONTH \$920.00	4TH MONTH \$1440.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Steven M. Lefkowitz et al.

By 

Gordon M. Stewart

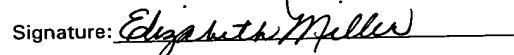
Attorney/Agent for Applicant(s)
Reg. No. 30,528

Date: Oct. 9, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: Oct. 9, 2002

Typed Name: Elizabeth Miller

Signature: 



10/22/02
JG
10/09/2002

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on October 9, 2002.

Elizabeth Miller
Elizabeth. Miller

10/09/2002
Date

ATTY DOCKET NO. 10010381-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steven M. Lefkowitz et al. Group Art Unit: 1641

Serial No.: 09/944, 083 Examiner: My Chau T. Tran

Filed: 08/31/2001

Title: METHODS FOR GENERATING LIGAND ARRAYS VIA DEPOSITION
OF LIGANDS ONTO OLEFIN DISPLAYING SUBSTRATES, AND
ARRAYS PRODUCED THEREBY

Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION

The Examiner is thanked for the Office Action mailed 09/09/2002 (restriction requirement only). The Examiner identified the following Groups for restriction:

- Group I - claims 1-6, and 36-43;
- Group II - claims 7-15, 25, and 44-47;
- Group III - claims 16-24 and 26;
- Group IV - claims 27-29;
- Group V - claims 30-32;
- Group VI - claims 33-35.

Applicants hereby elect Group II with traverse in relation to Groups III through VI, and without traverse in relation to Group I.

The Examiner states that Groups II through V are unrelated and independent inventions. In particular the Examiner states that the method steps of Group II are not required by the claims of Groups III to V. However, claims 16 of Group III and claim 7 of Group II both relate to a method of producing an array of polymers (nucleic acids in claim 16) by providing a substrate having a surface displaying olefin groups, converting the olefin groups to groups that produce covalent bonds with at least two different polymer ligands (nucleic acids in claim 16), and contacting (depositing in claim 16) the surface with the at least two different polymer ligands (nucleic acids in claim 16). That being the case claims 16 (Group III) and claim 7 (Group II) have not been shown to have "different modes of operation, different functions, or different effect" as required by M.P.E.P. 806.04 (A). Therefore, Group III should be examined with Group II.

As to Group IV (claims 27-29), all the claims of this Group are dependent upon claim 25 (Group II) and therefore require the elements of that. Accordingly, Group II is required in Group IV and therefore Group IV should be examined with Group II.

As to Group V (claims 30-32) and Group VI (claims 33-35), all the claims of these Groups are dependent upon claim 26 (Group III) and therefore require the elements of that claim 26. Therefore, Groups V and VI should be examined with Group III (which as discussed above, should also be examined with Group II).

Accordingly, Groups II through VI should be examined together in the present application.

If the Examiner is of the view that there are any outstanding issues that might be resolved by means of a telephone conference, the Examiner is invited to call Gordon Stewart at (650)485-2386.

Respectfully submitted,



Gordon M. Stewart
Attorney for Applicants
Reg. No. 30,528

Agilent Technologies, Inc.
Legal Department, DL429
IP Administration
P.O. Box 7599
Loveland, CO 80537-0599

10010381-1 Response to Restn